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July 25, 2023

**VIA ECF**

Honorable James R. Cho  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Razzaq v. BBKM Associates, LLC et al. *et al.*  
Case No.: 22-CV-2567 (KAM) (JRC)

Dear Judge Cho:

We represent Plaintiff in the above-referenced matter. We write to respectfully request that the Court order Defendants to serve Rule 26 disclosures and respond to Plaintiff's discovery requests, which the Court ordered be done by July 13, 2023, or be precluded from introducing evidence at trial.

As the Court is aware, Plaintiff served Interrogatories and Document Requests on March 14, 2023. After receiving no response, and after multiple attempts to meet-and-confer, Plaintiff moved to compel responses to these requests, as well as to compel Defendants to produce their Rule 26 disclosures. The Court subsequently granted Plaintiff's motion on June 29, 2023 and directed Defendants to provide responses and serve their Rule 26 disclosures by July 13, 2023. The Court also noted that "[f]ailure to comply may result in sanctions." After Defendants did not provide any of the documents required by the Court, Plaintiff followed up with them on multiple occasions. On July 24, 2023, Defendants' counsel advised that they were following up with their client. Plaintiff then explained that he could only wait until July 25, 2023 before writing to the Court. Defendants, however, have not provided their responses or Rule 26 Disclosures and have given no indication of when those documents will be produced.

Plaintiff therefore respectfully requests that the Court order Defendants to produce responses to Plaintiff's discovery demands and Rule 26 disclosures or face preclusion of evidence at trial. A Court may preclude evidence if it is not timely produced in response to a court order. Ho v. Target Contruction of NY, Corp., No. 08-CV-4750(KAM)(RER), 2010 WL 2292202, at \*3 (E.D.N.Y. June 3, 2010). Here, Defendants' responses are 3 months overdue and their Rule 26 disclosures have been due for even longer. Further, Defendants have not complied with this Court's order despite being warned of possible sanctions. Finally, Plaintiff has been prejudiced

by the delay in this case. The delay is ongoing and without an end in sight. We therefore ask the Court to enter an order requiring Defendants to produce responses or face preclusion.

We greatly appreciate the Court's attention to this matter.

Very truly yours,

-----/s/-----

Michael Taubenfeld